



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE  
Environmental Protection Bureau

April 22, 2024

BY CM/ECF

The Honorable Lewis J. Liman  
United States District Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *New Yorkers Against Congestion Pricing Tax v. U.S. Department  
of Transportation*,  
No. 1:24-cv-00367-LJL

Dear Judge Liman:

Our office represents defendant New York State Department of Transportation (“Department”) in the above-referenced matter. We write to notify the Court that the Department’s Eleventh Amendment motion to dismiss in this matter [ECF No. 59] is unopposed and ready for decision.

Pursuant to the Court-ordered schedule, on April 5, 2024, the plaintiffs in this action filed a memorandum of law in opposition to the defendants’ various motions to dismiss [ECF No. 74]. Although that brief links to the Department’s motion in the ECF system, the brief itself contains no argument against or other reference to the Department’s motion. Accordingly, the Department will not be filing a reply brief.

Given the complexity of the briefing schedule for the motions before the Court in this matter and the related *Chan* and *Mulgrew* matters, the Department hopes that this notification regarding the status of this motion is helpful to the Court. Thank you for the Court’s consideration of the motion.

The Hon. Lewis J. Liman  
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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "A. G. Frank".

Andrew G. Frank  
Assistant Attorney General

c (by CM/ECF):  
All counsel of record